

REMARKS

Claims 1-21 are pending in the application.

Claims 1-21 have been rejected.

New Claim 22 has been added.

I. REJECTION UNDER 35 U.S.C. § 103

Claims 1-7, 8-14 and 15-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Detampel, Jr. et al (US 2001/0002927) in view of Susen et al (WO 00/14730). The rejection is respectfully traversed.

In *ex parte* examination of patent applications, the Patent Office bears the burden of establishing a *prima facie* case of obviousness. MPEP § 2142; *In re Fritch*, 972 F.2d 1260, 1262, 23 U.S.P.Q.2d 1780, 1783 (Fed. Cir. 1992). The initial burden of establishing a *prima facie* basis to deny patentability to a claimed invention is always upon the Patent Office. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Piasecki*, 745 F.2d 1468, 1472, 223 U.S.P.Q. 785, 788 (Fed. Cir. 1984). Only when a *prima facie* case of obviousness is established does the burden shift to the applicant to produce evidence of nonobviousness. MPEP § 2142; *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Rijckaert*, 9 F.3d 1531, 1532, 28 U.S.P.Q.2d 1955, 1956 (Fed. Cir. 1993). If the Patent Office does not produce a *prima facie* case of unpatentability, then without more the applicant is entitled to grant of a patent. *In re Oetiker*, 977 F.2d 1443, 1445, 24 U.S.P.Q.2d 1443, 1444 (Fed. Cir. 1992); *In re Grabiak*, 769 F.2d 729, 733, 226 U.S.P.Q. 870, 873 (Fed. Cir. 1985).

A *prima facie* case of obviousness is established when the teachings of the prior art itself suggest the claimed subject matter to a person of ordinary skill in the art. *In re Bell*, 991 F.2d 781, 783, 26 U.S.P.Q.2d 1529, 1531 (Fed. Cir. 1993). To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed invention and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. MPEP § 2142.

Applicant respectfully submits that the Office Action interprets the disclosures of Detampel and Susen as disclosing, teaching or suggesting significantly more than what the references actually disclose or teach.

First, the Office Action broadly asserts that “Detampel teaches establishing conference calls using pass codes. . . .” Office Action, page 4. In fact, Detampel teaches much less. Detampel describes a system where the participants (second access) may access a conference call by providing a single pass code (the PIN), which is selected by a subscriber (first access) when the subscriber accesses the system. The participant (second access) does not provide a PIN to the system multiple times (or two different pass codes). Thus, Detampel discloses that a participant (second access) enters a single PIN to access the conference call, but fails to disclose that the participant (second access) enters the same or a different PIN after the conference call begins in order to continue

participating in the conference call. As a result, the extent of the teachings of Detampel is limited to the use of single pass code to control the initial access to a conference call by a participant (second access).

Similarly, the Office Action broadly asserts that “Susen teaches using voice signal for password to continuously verify users authorization to continue conference calls between two telephone users” Office Action, page 4. In reality, Susen discloses or teaches (as best understood from the English-language abstract of Susen) that a caller, in a two-way voice call between a caller and a recipient, may be identified by analyzing the voice signals of the caller during the two-way call in order to verify the caller as an authorized access. There does not appear to be disclosure in Susen (as understood by the Applicant) that would support the interpretation that voice signals of any other party other than the caller (in the two-way call) are analyzed to verify such party’s authorization to continue the two-way call.

Further, as noted in Applicant’s prior response, it appears from the English-language abstract that the subject matter of Susen is directed to two-way voice calls - not conference calls. Importantly, Applicant’s present claims recite that access by the participant (i.e., the second access) is at least partially related to the first passcode. In Susen, it appears that the voice recognition process is applied to the voice signals of the calling subscriber - not the called subscriber (or the participant in a conference call, as recited in Applicant’s claims). Thus, Susen is directed to the authorization (or continued authorization) of the calling or initiating subscriber - not the participant joining a conference call. Therefore, Susen appears, at most, to teach verification (or re-verification) of a calling party in a two-way call using voice/speech recognition of the calling party’s voice signals

- not the continued authorization of a participant (the second access) in a conference call using a second passcode in order to continue/maintain access to the conference call. Moreover, Susen teaches one of two possible scenarios - the voice signal of the subscriber (caller) may be checked before or during an ongoing conversation. See, Susen, Abstract.

Applicant respectfully submits that the references individually teach use of a single passcode for access purposes - there is no motivation, teaching or suggestion to combine these references to generate a method of multiple inputs and passcodes. From this, a person ordinary skill in the art would likely choose one method or the other.

Therefore, Applicant respectfully submits that none of the references, either alone or in combination, disclose, teach or suggest all of the elements/features as recited in Applicant's independent Claims 1, 8 and 15.¹

As set forth in Applicant's prior response, with respect to dependent Claims 2, 9, and 16, since Detampel does not, in fact, disclose that a participant (second access) enters two pass codes: a first pass code to access the conference call and a second pass code (same or different from the first pass code) to continue access during the conference call, Detampel cannot disclose that the "second pass code does not equal the first pass code" as recited in the claims. As a result, Detampel fails to disclose, teach or suggest this element/feature of dependent Claims 2, 9, and 16.

¹ For the same reasons set forth above with respect to independent Claims 1, 8 and 15, the proposed combination of Detampel and Susen fails to disclose, teach or suggest the all the elements/features of the dependent Claims, as well.

Similarly, with respect to dependent Claims 3, 10, and 17, Detampel does not disclose that a second pass code is received from the first access (subscriber) during the conference call. In Detampel, a subscriber (first access) provides the PIN before a conference call is established. Detampel, Paragraphs 0070-0075. Therefore, Detampel fails to disclose, teach or suggest the element/feature of dependent Claims 3, 10, and 17.

Accordingly, the Applicant respectfully requests withdrawal of the § 103(a) rejection of Claims 1-7, 8-14 and 15-21.

II. NEW CLAIM 22

Applicant has added new dependent Claim 22. This new claim recites (1) receiving the second pass code from the first access during the conference call, where the second pass code different from the first access code, and (2) prompting the second access for the second pass code after the conference call begins and allowing the second access to continue upon receipt of a pass code from the second access that is equal to the second pass code. Susen does not appear to disclose, teach or suggest prompting of the recipient in the two-way call (or even the caller) to enter a passcode during the conference call in order to verify the authorization to proceed with the conference call for that user. Instead, it appears that Susen simply records speech samples throughout the call at regular times to perform verification. This does not appear to disclose any prompting to enter passcodes (in fact, it appears that the speech samples are verified based on speech characteristics of the user). See, Susen, English language version of Claims.



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III. CONCLUSION

As a result of the foregoing, the Applicant asserts that the remaining Claims in the Application are in condition for allowance, and respectfully requests an early allowance of such Claims.

If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *rmccutcheon@munckbutrus.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Davis Munck Deposit Account No. 50-0208.

Respectfully submitted,

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